

CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2000

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2000
to: VT Agency of Transportation, Technical Services Division, Drawer 33, Montpelier, VT 05633.

We, the Selectman or Trustee or Alderman of ADDISON in ADDISON County
on an oath state that the mileage of highways, according to Title 19, V.S.A, Sec #305, added 1985, is as follows:

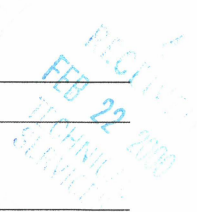
PART I - CHANGES TOTALS - Please fill in and calculate totals.

Table with 6 columns: Town Highways, Previous Mileage, Added Mileage, Subtracted Mileage, Total, Scenic Highways. Rows include Class 1, Class 1 Lane, Class 2, Class 3, State Highway, Class 4, and Total.

* Class 1 Lane Mileage and Class 4 is NOT included in total.

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

- 1. NEW HIGHWAYS: Please attach Selectman's "Certificate of Completion and Opening".
2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting). TH No. 29, Crane Pt Road
3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).
4. SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.



IF THERE ARE NO CHANGES IN MILEAGE: Check box and sign below. []

PART III - SIGNATURES - PLEASE SIGN.

Selectman/ Alderman/ Trustees Signatures: Margaret Barnes, Arden K. Hayward, John C. Forques

Clerk Signature: [Signature] Date Filed: 2/17/00

Please sign ORIGINAL and return it for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED: [Signature] DATE: 1 Mar 00 Representative, Agency of Transportation

Law Office
of
John R. Barrera
102-C Court Street
Middlebury, Vermont 05753
(802) 388-6371
Fax (802) 388-6373

RECEIVED
FEB 22 2000
TECHNICAL
SERVICES

February 10, 2000

Margaret Barnes, Chairperson
Town of Addison Selectboard
7099 VT Route 22A
Addison, VT 05491

Re: Discontinuance of Crane Point Road

Dear Meg:

I was asked to study the situation regarding Crane Point Road. I have done so and have concluded that there is insufficient evidence in any official record to conclude that Crane Point Road was ever an official town road. My opinion and conclusions are based on the following:

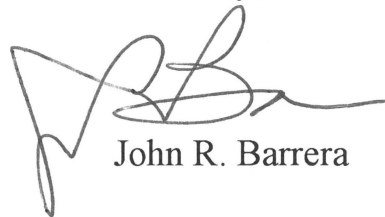
1. I examined the highway records furnished to me by Jane Grace, and based on those records, there is no reference to Crane Point Road as an official town road.
2. I read, studied and made sketches of various deed descriptions in the chains of title of the Rood property, the Brady property, and the DAR property. There is no reference I can find to an official Town Road known and designated as Crane Point Road.
3. I studied various maps which were attached to the highway records, and note that a small segment of town road is shown on a 1931 map, on a 1941 state highway map, as well as the 1986 map prepared by the Vermont Agency of Transportation, Planning Division. The latter map shows the roadway segment, of .1 miles, as being on the DAR State Park property.

Margaret Barnes, Chairperson
Town of Addison Selectboard
Page 2
February 10, 2000

4. In the absence of any official record or other evidence that Crane Point Road was officially laid out under statutory provisions, I cannot conclude that these maps have any legal significance.
5. In reviewing the chains of title, I made a sketch of the conveyance from George Fields to Elizabeth Norton, February 9, 1865, Book 15, Page 173 of the land records. Enclosed is a copy of that sketch. The conveyance description does refer to a "highway north of my dwelling house, which leads from the north and south road to Lake Champlain". However, that reference to a roadway is simply not sufficient evidence to conclude that the roadway was in fact an official town road. Elizabeth Norton was a predecessor in title to the present owner Mr. Rood.
6. Even if the subject roadway were in fact at some point in time an official town road, I believe the procedures followed by the Town Selectboard beginning in September 1998 and concluding on November 5, 1998, were sufficient to comply with the provisions of 19 V.S.A. §710. I would recommend that the Selectboard simply record all of the Minutes and their findings in the appropriate Town records pertaining to the laying out and discontinuance of highways, and leave it at that.

Please let me know if anything further is needed at this point in time.

Sincerely,



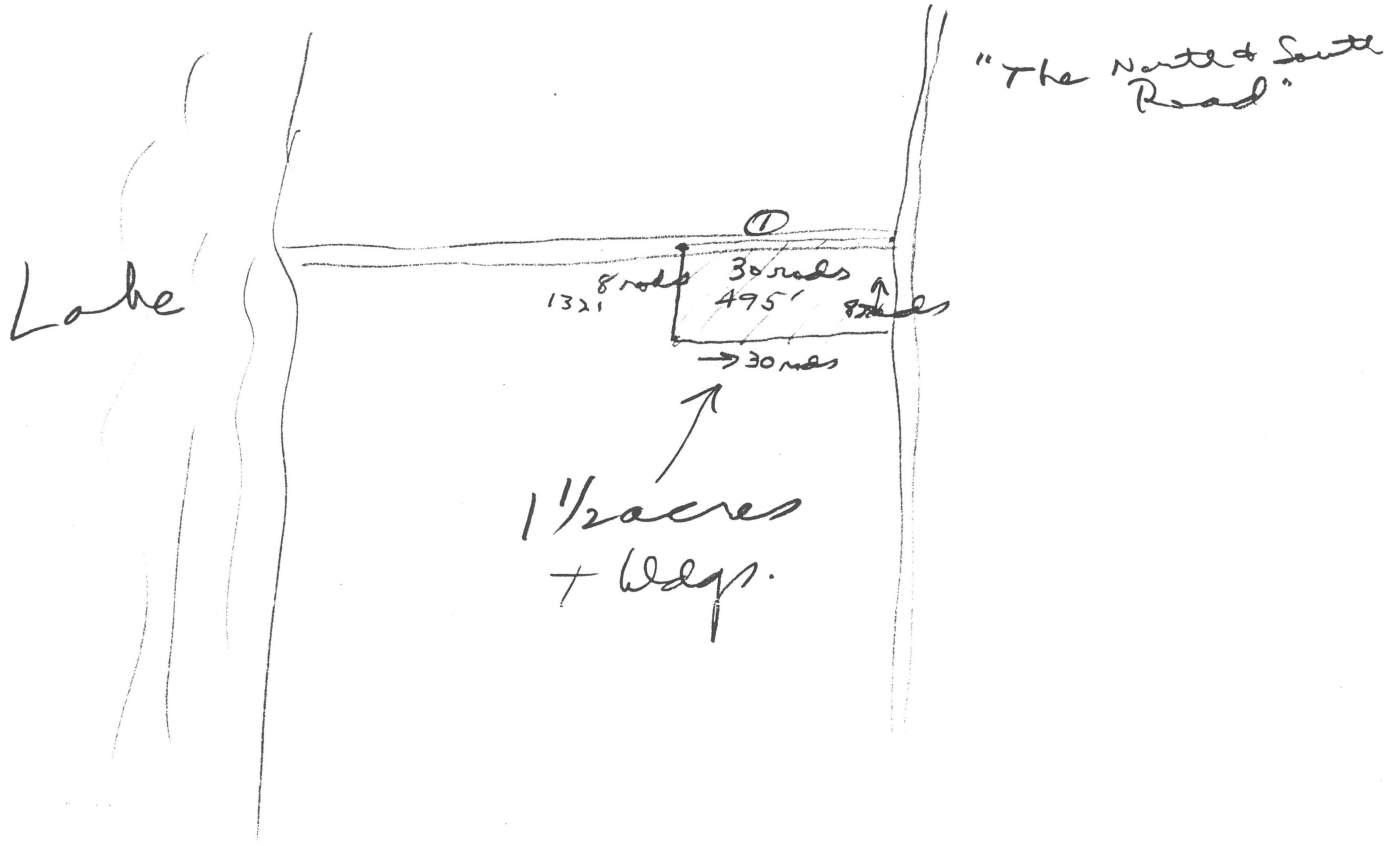
John R. Barrera

JRB/aeb
Enclosure

ANALYSIS OF TRANSFER DOCUMENT

- 1. Grantor: George Fields
Date: Feb 9, 1865
Book: 15 . Page: 173
Recorded on: _____
- 2. Grantee: Eliy. Norton
- 3. Kind of Document: _____
- 4. Signed: _____ 2 Witnesses: _____ Acknowledged: _____
- 5. Consideration: _____
- 6. Did this transfer divide land? _____
- 7. Are there any Reservations, Exceptions: _____
Are there Conditions: _____

8. Description/Sketch of the property:



9. Remarks:

HIGHWAY AGENDA

September 1, 1998

BILL TO KEESE UNPAID

ROAD CLASSIFICATION/PENT, TRAILS

CURRENT & PAID BILLS TO REVIEW & APPROVE

TIME SHEETS TO REVIEW

RECEIVED
FEB 22 2000
TECHNICAL
SERVICES

ADDISON MEETING OF THE SELECTBOARD, September 1, 1998

The Addison Selectboard met at the town clerk's office at 6:30 pm. Present were Kim Provencher, John Forgues, Alden Harwood, Margaret Barnes, Bryan Nolan, Rebecca Gooch, James Daly, William Leeson, Sally Conway, John Baker, John Harris and Leo Griffin.

Kim reviewed an unpaid bill to Robert & Linda Keese for road repair after they installed Tri-Town Water on Mountain Road to their home. Alden suggested sending them another copy of the bill with a statement on it that interest will be charged after 90 days.

Bryan asked the board if he could pick up a few tools, as previously agreed, with the money he has left in the "tool" budget. The board agreed with Bryan.

Bryan told the board that Vallencourt Tree Service was supposed to be back in town next week to finish up their work from the ice storm. Bryan said the work to be finished was west of 22A and minimal.

Bryan reported to the board he planned on starting the Tisbert project tomorrow.

The board discussed the reclassification of town roads and the reclassification of Stickle Road. Alden confirmed that the road ends at the farm house. Meg moved that the town of Addison discontinue Stickle Road from Rte. 22A to the Brileya farmstead as requested by the new owner John Burke. This was seconded by Alden. All were in favor.

Meg then moved to discontinue Crane Point Road from Rte. 17 to the Road property as it is being used solely as a driveway. This was seconded by Alden. All were in favor.

Meg discussed Middle Road which travels north of the Farr Cross Road to the Panton Line. The board discussed either a reclassification to a trail or discontinuing the right-of-way. Kim felt he would be more comfortable keeping an interest for the town. Alden then asked why we need to do anything here. Meg discussed a situation on Potash Bay where a landowner is using the old town road to access his property and he cannot find evidence where the town ever threw up this road. Meg moved to reclassify Middle Road from a Class 4 road to a trail north of the Farr Cross Road to the Panton Town Line. This was seconded by Alden.

Meg then discussed the pent road (Willmarth Road Ext.) that goes up the mountain at the Willmarth Road intersection. She stated it is classified as a Class 4 road when there is only a trail. Meg moved to reclassify this road as a trail and this was seconded by Alden. All were in favor.

The board discussed the warning process and agreed to hold the necessary hearings on October 20th.

The board reviewed and signed the application for reimbursement to the State for the Jersey St bridge No. 3 and guardrail project.

The board reviewed the monthly highway bills. Meg moved to pay the bills with

TOWN OF ADDISON
NOTICE OF HEARING ON DISCONTINUANCE OF
TOWN HIGHWAY NO. 23
(ALSO KNOWN AS STICKLE ROAD)

RECEIVED
FEB 22 1998

AND

TOWN HIGHWAY NO. 29
(ALSO KNOWN AS CRANE PT ROAD)

A HEARING SHALL BE HELD ON OCTOBER 20, 1998 AT 8:00 PM BY THE ADDISON SELECTBOARD TO CONSIDER WHETHER TO DISCONTINUE TOWN HIGHWAY NO. 23 (ALSO KNOWN AS STICKLE ROAD) AND TOWN HIGHWAY NO. 29 (ALSO KNOWN AS CRANE PT ROAD). AT THE HEARING, THE ADDISON SELECTBOARD WILL HEAR ANY PERSONS INTERESTED. THE HEARING WILL BE AT THE ADDISON TOWN CLERK'S OFFICE ON RTE. 17W IN ADDISON.

THE DATE AND TIME OF AN EXAMINATION OF THE HIGHWAYS TO BE DISCONTINUED (AS REQUIRED BY LAW) WILL BE OCTOBER 10, 1998 AT 7:00 PM, BEGINNING WITH CRANE PT ROAD.

AS REQUIRED BY 19 V.S.A. S709, THIS NOTICE SHALL BE GIVEN TO PERSONS OWNING OR INTERESTED IN LANDS THROUGH WHICH THE HIGHWAY MAY PASS OR ABUT, TO THE MUNICIPAL PLANNING COMMISSION, POSTED IN THE TOWN CLERK'S OFFICE AND PUBLISHED IN THE ADDISON INDEPENDENT, A NEWSPAPER OF GENERAL CIRCULATION IN THE TOWN OF ADDISON.

DATED: SEPTEMBER 14, 1998
BY ORDER OF THE TOWN OF ADDISON SELECTBOARD

Notice mailed to:

Thomas & Julia Rood
Mark & Mary Brady
Vt Forests, Parks & Recreation
John & Carolyn Burke III
Sally Conway, Chair Planning Comm.
Addison Independent
National Bank of Middlebury

near at the hearing may also in person or be represented by an agent or attorney. Communications about the applications may be filed in writing with the Board before or at the hearing.

Nancy Damm, Board Clerk

9/17

**TOWN OF ADDISON
NOTICE OF HEARING ON
DISCONTINUANCE OF TOWN
HIGHWAY NO. 23 (ALSO
KNOWN AS STICKLE ROAD)
AND TOWN HIGHWAY NO. 29
(ALSO KNOWN AS CRANE
PT. ROAD)**

A hearing shall be held on October 20, 1998 at 8:00 p.m. by the Addison Selectboard to consider whether to discontinue Town Highway No. 23 (also known as Stickle Road) and Town Highway No. 29 (also known as Crane Pt. Road). At the hearing, the Addison Selectboard will hear any persons interested. The hearing will be at the Addison Town Clerk's Office on Rte. 17 W in Addison.

The date and time of an examination of the highways to be discontinued (as required by law) will be October 10, 1998 at 7:00 p.m., beginning with Crane Pt. Road.

As required by 19 V.S.A. S709, this notice shall be given to persons owning or interested in lands through which the highway may pass or abut, to the municipal planning commission, posted in the Town Clerk's Office and published in the Addison Independent, a newspaper of general circulation in the Town of Addison.

Dated: September 14, 1998

By order of the
Town of Addison Selectboard

9/17

PROPOSED STATE RULES

By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members. To get a copy of a rule or make suggestions to the agency, call or write the contact person listed below. You may also comment on the proposal by writing the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (828-2231).

RULES GOVERNING THE IMPORTATION OF DOMESTIC ANIMALS INCLUDING LIVESTOCK AND POULTRY
Vermont Proposed Rule: **98P051**
AGENCY: Dept. of Agriculture, Food & Markets
FOR FURTHER INFORMATION, CONTACT: Samuel Hutchins 3rd, State Veterinarian, Vt. Department of Agriculture, Food & Markets, 116 State Street, Drawer 20, Montpelier, Vermont 05620-2901, Tel. (802) 828-2421

SOLID WASTE MANAGEMENT RULES: STANDARDS FOR MANUFACTURER LABELING OF MERCURY-ADDED CONSUMER PRODUCTS
Vermont Proposed Rule: **98P052**
AGENCY: Vt. Agency of Natural Resources
FOR FURTHER INFORMATION, CONTACT: John Miller, Environmental Assistance Division, 103 South Main Street, Laundry Building, Waterbury, Vermont 05671-0411, Tel. (802) 241-3472 Fax: (802) 241-3273. E-Mail: john.miller@state.vt.us

WATER RESOURCES BOARD RULES OF PROCEDURE
Vermont Proposed Rule: **98P053**
AGENCY: Vermont Water Resources Board
FOR FURTHER INFORMATION, CONTACT: William A. Bartlett, Executive Officer, Vermont Water Resources Board, National Life Records Center Building, Drawer 20, Montpelier, Vermont 05602-3201, Tel. (802) 828-3355

LATE SNOW GOOSE SEASON - FEBRUARY 20-MARCH 10 1998
Vermont Proposed Rule: **98P054**
AGENCY: Natural Resources, Fish & Wildlife Dept.
FOR FURTHER INFORMATION, CONTACT: Roger Whitcomb, Major, Chief Game Warden, 103 South Main Street, 10 South, Waterbury, Vermont 05671 Tel. (802) 241-3700

ADMINISTRATIVE RULES: BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS
Vermont Proposed Rule: **98P055**
AGENCY: Office of the Secretary of State
FOR FURTHER INFORMATION, CONTACT: Janice M. Hatch, RN, Board of Examiners for Nursing Home Administrators, 109 State Street, Montpelier, Vermont 05609. Tel. (802) 828-2819.

9/17

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**SATURDAY, SEPT. 19
ESTATES AUCTION**

Dealers in Antiques and
Good Used Furniture.
We will conduct your estate

He was ordered held for lack of
\$10,000 bail.
Vergennes Police Chief Ted Mi-
nall said he expected New Hamp-
shire authorities to begin to extra-

DISCONTINUANCE OF TOWN HIGHWAYS HEARING

The Selectboard for the town of Addison met October 20, 1998 at 8:00 pm at the Town Clerk's Office for the purpose of deciding whether to discontinue TH No. 23, also known as Stickle Road and TH No. 29, also known as Crane Point Road and to hear the inspection report of the two highways and to hear any interested parties and receive testimony.

Present were Kimball Provencher, Meg Barnes, Alden Harwood, Jane Grace, John Burke, III, Thomas Rood, and Sally Conway.

All parties present were given an oath that stated, "Do you solemnly swear that the evidence you shall give, relative to the cause now under consideration, shall be the whole truth and nothing but the truth, so help you God?"

Meg and Alden gave a brief report of their inspection of the two town highways being considered for discontinuance. They stated that Stickle Road leads to the John Burke, III property from Vt. Rte. 22A and ends at this property. They stated that there is no right-of-way beyond this point and that the road serves no other property.

Meg and Alden then reported that the Crane Point Road leads to the Thomas Rood home from Rte. 17W and ends at this point. They stated that this road serves no other purpose. They reported they could not determine if this road ever lead down to the lake.

Alden commented that the board should look at reclassifying these two roads as well as discontinuance.

Thomas Rood then stated he would be interested in what was learned about Crane Pt Road and he stated that there has been no maintenance of this road, other than plowing it in the winter. Meg asked Jane what she found in searching the town records. Jane stated she searched the D.A.R. State Park property, the Brady property and the Rood Property. She reported that both the D.A.R. and the Brady property boundaries never refer to a highway or road to the lake. In 1865 when the Rood property was conveyed out, there is reference to a highway from the north and south highway to Lake Champlain. Jane stated as the Rood property deeds came forward, the wording is changed in each deed when referencing the highway. She reported no recorded reference to opening a highway or closing a highway. Jane read the deed description in the first deed to the Rood property from Land Records Book 15 at page 175: "Beginning at the east end of the highway north of my dwelling house, which leads from the north & south road to Lake Champlain. Beginning in the center of said road and following the center of said road westerly thirty rods - - then southerly eight rods -- thence easterly thirty rods -- thence northerly eight rods to the aforementioned starting point,

meaning to contain one & a half acres of land together with all the privileges and appurtenances to the said land in anywise appertaining and belonging." She stated this is a deed to a Mrs. Elizabeth Norton, wife of Samuel I. Norton of Addison, from George E. Field, who owned the Brady place. Jane said there is no mention of Mr. Norton on this deed being deceased or of Mrs. Norton being a widow. Jane felt there may have been a divorce or separation and this piece of land was laid out for Mrs. Norton. Jane also wondered if the road might not have been a farm road down to the lake for Mr. Field's cattle, etc., he owning both sides of Rte. 17W (known as the north/south road). Alden asked if there was any indication of when the town began to maintain this road. Jane said she found an official highway map recorded when the highway mileage was measured in 1941 showing Crane Point Road as being 0.1 of a mile. Jane stated she searched the Road Measurements recorded and could not determine when or where this road may have been added or discontinued. Jane wondered what may have been determined in Mr. Rood's title search when he bought the property.

Thomas Rood stated his attorney could not establish where the right-of-way was when he did his title search. Alden then asked Mr. Rood if he could find a copy of his title search for the board to review. Kim said it would be interesting to know what they considered a "highway" in those days. He commented that sometimes highways were measured in order to receive more highway state aid.

Alden then asked Mr. Rood what he felt about the road. He stated he didn't think he wanted the town to do anything, but in thinking about it he felt it would be nice to own the driveway, but it was also nice to have it plowed. He stated he didn't have any designs for the town to do any maintenance on the road.

Meg referenced T. 19 Sections 710 and 711 requiring that if a right-of-way cannot be determined, it shall be surveyed and recorded.

Sally Conway then asked if a letter to the Selectboard from the Planning Commission could be read. She then quoted the letter:

"This letter concerns the matter of the discontinuance of two town highways as proposed by the Addison Selectboard. It was a unanimous opinion of the members of the Addison Planning Commission at a meeting held October 13, 1998 that the Selectboard should retain the two town highways known as Crane Point Road and Stickle Road. The Planning Commission feels that these roads are an asset to the town and if discontinued would be impossible to recover as a town road. The Planning Commission

also recommends that the Selectboard re-classify these roads as Class 4 roads to help ease the expense of maintenance and plowing. The Planning Commission will appreciate a verbal report of our opinion and recommendation at the hearing on this proposal scheduled for October 20, 1998."

Kim read a letter from John Burke which stated: "I would appreciate the consideration of the Town in removing Stickle Road from Town care and making it a private road. I do not see any benefit to the Town in the additional cost of maintenance and, now that the farm is vacant, it is causing a security problem. I would appreciate the action of this subject to be as soon as possible due to the number of people who I continue to find in the back fields."

Mr. Burke stated his reasoning for wanting the road privatized was for security. He said he cannot establish any kind of residence in this location until he can feel secure in living there with his family to doing anything to the structures because of the amount of traffic going in and out this road. He stated he disagreed with the Planning Commission's opinion of this road being of significant or long range value to the Town of Addison. He said it starts and goes nowhere. He said there is no scenic wonder at the end of it and was probably laid out just to service the farm. He said anything of value that was there has been stolen. He said he found bags of trash there tonight.

He then stated he can appreciate the concerns of the Planning Commission with regard to his recent subdivision there. He said the Planning Commission did grant him his subdivision with a property line on the road being used as road frontage. He said he checked with the Vt. Leagues of Cities and Towns who said a boundary adjustment can be easily made. He said he would be willing to remove the property line between lots B & C of his subdivision if the road is privatized.

Alden asked Sally Conway what the Planning Commission's position was on the discontinuance issue. She said they felt that most generally it was in the best interest of the town to not give up a right-of-way. She said they felt the town could never reacquire a right-of-way back.

Meg referred to comments made in a Secretary of State's Opinion newsletter about the decision. She quoted the following:

"Necessity" ... a reasonable need which considers the greatest public good and the least inconvenience and expense to the town and to the property owner(s). Necessity shall not be measured merely by expense or convenience to the town. Due consideration shall be given to the adequacy of other property and locations and to the quality, kind and extent of cultivated and

agricultural land which may ... (be affected). ... Consideration also shall be given to the effect upon home and homestead rights and the convenience of the owner of the land; to the effect of the highway upon the scenic and recreational values of the highway; and to the effect upon town grand lists and revenues. 19 V.S.A. Sec 501(1)." She also quoted: "...a highway may be as important to accommodate farms, unoccupied as dwelling places, as if they were so occupied." She commented that there is no longer a working farm here with animals, etc.

Alden stated the road is delineated on the Burke survey with meets and bounds. John Burke said the water and telephone easements run along Stickle Road and the power runs straight in from Vt. Rte. 22A.

Kim then asked if there was any more information or comments to be made on the discontinuance of these roads.

Mr. Rood asked about the comment made by the Planning Commission about retaining the road as a Class 4 road. He said this would be the least acceptable to him. Sally asked if the road right-of-way went to the lake. Kim answered it could not be determined. The board agreed there would have to be a legal decision made before any action of this board could be taken.

Sally asked how the discontinuance issue came up. Kim referred to Mr. Burke's letter requesting his road be discontinued and then the board started looking at other roads in town.

Kim asked about the status of Mr. Burke's subdivision and his lots B & C. Meg confirmed that a lot does not have to be on a town road to have frontage. Sally said if the town discontinues the road, something would have to be done about the lots that were approved previously. Mr. Burke stated that in fairness, he felt it would be fair to eliminate the lot that has frontage on Stickle Road. Sally expressed concern for who would follow this through. Alden stated Mr. Burke would have to have the lot line eliminated on his survey and resubmit a new mylar for recording.

Alden asked Sally if the Planning Commission would have any problems with the board's approach. She did not feel they would.

Alden then moved to discontinue the town's interest in Stickle Road, TH No. 23, in its entirety, on the condition that the lots B & C as approved by the Planning Commission in 1997 on the subdivision of John Burke be recombined into one lot with the elimination of the boundary between them. Meg seconded the motion. All were in favor.

Kim then stated that there will have to be more research into Crane Point Road with further discussion. Alden asked Mr. Rood if he could find a title search on this property when he bought

it.

Meg said they need to know what the status of this road is, if any. Kim suggested taking this up further at their regular board meeting, to be held November 5th.

Meg moved to adjourn this hearing and it was seconded by Alden. All were in favor.

By

A handwritten signature in cursive script, appearing to read "James B. Grace". The signature is written in dark ink and is positioned to the right of the word "By".

Clerk

HIGHWAY AGENDA

November 5, 1998

KEESE UNPAID BILL

HIGHWAY DISCONTINUANCE - STICKLE ROAD
(Findings of Fact to sign for recording.)

HIGHWAY DISCONTINUANCE - CRANE POINT ROAD
(Review

CURRENT & PAID BILLS TO REVIEW & APPROVE

TIME SHEETS TO REVIEW

RECEIVED
FEB 22 2000
1411

Present were Kim Provencher, Alden Harwood and Margaret Barnes.

Kim reopened the Discontinuance hearing for town highways Stickle Road and Crane Point Road. Kim read the Findings of Fact prepared for their signature for the closure of Stickle Road. (See copy attached to these minutes.) Alden stated there was an agreement to the closure that Mr. Burke would recombine the two lots that have frontage on Stickle Road to one lot and that the Findings of Fact should not be signed until this is done. Alden said he would follow this up with John Burke.

Kim continued the hearing for the closure of Crane Point Road. The board reviewed an Attorney's Report and Opinion on Title for the Thomas Rood property which states "there is no good record description of the right-of-way, as to width or location to Lake Champlain, although the deed description suggests that it is on DAR property." Meg stated in talking with people in town there is no remembrance of a town road to the lake. Kim mentioned in those days people crossed the lake on ice anywhere. Alden asked what would happen if the board simply took the tenth of a mile off the books. Alden asked to have Jane ask Mr. Rood if the board could have a copy of their title. Kim stated the board would need to stay in fact finding on this road. Alden moved to recess the hearing until the Nov. 21st hearing and this was seconded by Meg. All were in favor.

↓ NOT ENOUGH MEMBERS
PRESENT TO HOLD
MEETING.

HIGHWAY AGENDA

December 1, 1998

KEESE UNPAID BILL

HIGHWAY DISCONTINUANCE - STICKLE ROAD
(Findings of Fact to sign for recording &
review of corrected mylar)

HIGHWAY DISCONTINUANCE - CRANE POINT ROAD
(Review status ?)

CURRENT & PAID BILLS TO REVIEW & APPROVE

TIME SHEETS TO REVIEW

ADDISON MEETING OF THE SELECTBOARD

The Selectboard for the town of Addison met December 1, 1998 at 6:30 pm at the town clerk's office. Present were John Forgues, Bryan Nolan, Kim Provencher, Meg Barnes, Alden Harwood and Charlie Beach.

Kim began the meeting with the highway agenda. He asked about the unpaid Reese bill. Alden stated he spoke to a lady who he assumed was Mrs. Reese who informed him that they had sent this bill on to their excavator and they expected him to pay it. She said she would call the excavator and speak to him about it.

The board reviewed the Findings of Fact for the discontinuance of Stickle Road. They also reviewed the corrected survey for the Burke subdivision. Meg moved to accept the corrected Mylar recombining lots B & C as agreed by Mr. Burke and the Selectboard at their meeting held October 20, 1998. Alden seconded the motion. All were in favor. The board also signed the Findings of Fact to be submitted to the town clerk's office for recording in the land records. Alden stated he had conversations with Paul Boivin about the corrected survey and Paul expressed concern for the Planning Commission also reviewing the survey.

Meg told the board about the records searched for Crane Point Road. She said she learned that there had been a ferry license issued at this location and in 1878 the Legislature granted permission and a license for a ferry from Cranes Point to Port Henry, New York for a period of 15 years. She learned this license was not renewed and there was no indication that there ever was a ferry operating there or no one remembering this. She told the board she gave the research papers to Attorney John Barrera for his legal opinion that no, this was never officially any kind of a town road. Kim confirmed that the board was still in a fact-finding status on this road.

Meg told the board that she was the only Selectboard member present at their warned meeting supposed to be held November 21, 1998 for the reclassification of Middle Road and Willmarth Road Ext. She stated that Tom Fisher was in attendance and told her that on Wednesday before this meeting he had been notified of the Supreme Court decision found in his favor with regard to a road declared a trail through his property. She stated that he had been paying the highway frontage on it all these years, and when he requested to build a house there, the town told him no, because there was no road. The Supreme Court found that while it was a trail, the Selectmen had attempted to discontinue it, but they hadn't followed the procedures correctly which were to check with all the town Selectboards along the trail. She stated the road is laid out from Vergennes to Bennington. Meg said that both Tom and John Spencer who have land along this road came to the hearing and also Richard Jackson. She said there is a farm road being kept up by the Jacksons for access to their fields and beyond this the road is completely grown up and very difficult to tell where it is. Meg said the question was if the Selectboard had the authority to make it into a trail. Meg said she checked with the Dept. of Transportation who told her a trail does not mean that you cannot go on it with vehicles. The Selectboard does have the authority to say no vehicular traffic on a trail if they want to. She said according to the Supreme Court decision it does change things. According to the Statutes, trails are at no expense to the town for maintaining them. The Selectboard

may be called on to put money into a Class 4 road. Meg said if a road is changed into a trail, the Commissioner of Forests & Parks has to be notified. She told the board because she was the only Selectboard member present at the warned hearing, nothing took place. John commented that it takes several steps to make a road into a trail. Meg said apparently if you change the status, it is the same thing as giving it up. John asked if it would be as difficult to change a road back from a trail to a road.

The board discussed the Willmarth Road Extension that goes up the trail to the top of Snake Mountain.

The board reviewed the property owners bordering Middle Road. Meg read from the law on upgrading Class 4 roads. Act 47 of 1991 authorizes Selectboards to require that petitioners residing on Class 4 town highways bear the cost of upgrading those highways to Class 3 standards as a condition for reclassification. It states that nothing in this Act shall be construed to require a town to maintain a Class 4 highway or to upgrade a highway from Class 4 to 3. Meg stated in the town's zoning if you are going to build on a Class 4 road you have to bring it up to a Class 3 status, but it doesn't say that the Selectboard has to call it a Class 3 road. Meg further stated that in "Maintenance of Highways" it states that the Legislature has never relieved the towns from the cost and responsibility of constructing and maintaining Class 3 and 4 town highways and bridges. The Selectboard in laying out highways are engaged in a public and governmental undertaking and are in a real sense officers of the state, but in this work they are the agents of the town in the matter of engaging surveyors, etc., and as long as they act in the scope of their authority in these matters, they bind the town in their contracts. Meg felt there was an argument for both sides.

Charlie asked if the town was obligated to plow Class 4 roads. Meg answered no.

The board discussed the Country Club Road being brought up to Class 3 road standards. Bryan pointed out that it does not meet those standards. Bryan stated that when the Planning Commission approves the upgrading of a road in a subdivision, someone familiar with the road classes should be involved. John suggested planning to bring the road up to these standards in the next 5 years. Alden discussed a letter sent to the Selectboard from the Planning Commission regarding the Kayhart subdivision on Country Club Road. Such letter dated Nov. 12, 1998 and filed in the Planning Commission minutes book. The letter stated that the Kayharts were informed at a meeting for final approval held July 9, 1998 that if the road did not meet the set standard, it would be the responsibility of the landowner to bear the expense for its improvement. It further stated that since the town has assumed responsibility for the maintenance of a part of Country Club Road, the Planning Commission considered this fact as evidence that this particular portion was reclassified as a Class 3 section of road.

Bryan discussed the Farr Cross Road being classified a Class 3 town highway. He stated it is in very poor condition with gravel and culverts being needed.

Meg read more to the board that bridges and culverts on Class 4 roads may not